

AN ACT concerning State government.

**Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:**

Section 5. The State Fire Marshal Act is amended by changing Section 2.5 as follows:

(20 ILCS 2905/2.5)

Sec. 2.5. Equipment exchange program.

(a) The Office shall ~~may~~ create and maintain an equipment exchange program under which fire departments, fire protection districts, and township fire departments can donate or sell equipment to, trade equipment with, or buy equipment from each other.

(b) Under this program, the Office shall maintain a website that allows fire departments, fire protection districts, and township fire departments to post information and photographs about needed equipment and equipment that is available for trade, donation, or sale. This website must be separate from, and not a part of, the Office's main website; however, the Office must post a hyperlink on its main website that points to the website established under this subsection (b).

(c) The Office or a ~~A~~ fire department, fire protection district, or township fire department that donates, trades, or sells fire protection equipment to another fire department, fire protection district, or township fire department under this Section is not liable for any damage or injury caused by the donated, traded, or sold fire protection equipment, except for damage or injury caused by its ~~the donor's~~ willful and wanton misconduct, if it ~~the donor~~ discloses in writing to the recipient at the time of the donation, trade, or sale any known damage to or deficiencies in the equipment.

This Section does not relieve any fire department, fire protection district, or township fire department from

liability, unless otherwise provided by law, for any damage or injury caused by donated, traded, or sold fire protection equipment that was received through the equipment exchange program.

(d) The Office must promote the program to encourage the efficient exchange of equipment among local government entities.

(e) The Office must implement the changes to the equipment exchange program required under this amendatory Act of the 94th General Assembly no later than July 1, 2006.

(Source: P.A. 93-305, eff. 7-23-03.)

Section 99. Effective date. This Act takes effect upon becoming law.